

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

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SABRINA GARDNER for)
DERICA GARDNER,)
Plaintiff,)
v.)
JO ANNE B. BARNHART,)
Commissioner of Social Security,)
Defendant.)

CIVIL ACTION NO.: CV505-071

ORDER

After an independent review of the record, the Court concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In her Objections, Plaintiff contends that the Magistrate Judge should have "reviewed the sufficiency of the evidence to see whether . . . substantial evidence supported the decision of" Administrative Law Judge ("ALJ") Foerster. (Doc. No. 23, p. 1.) Plaintiff asserts that the Magistrate Judge recited the different sources of evidence and did not address the particular evidence from those sources.

The ALJ's determination that Derica Gardner was not entitled to benefits is supported by substantial evidence, and the ALJ applied the appropriate legal standards in this case. Plaintiff appears to be asking this Court to reweigh the evidence presented to the ALJ; however, that is not the role of the Court in reviewing an ALJ's determination.

See Dyer v. Barnhart, 395 F.3d 1206, 1210 (11th Cir. 2005) (stating that the reviewing court does not decide facts anew, reweigh the evidence, or substitute its judgment for that of the Commissioner).

The Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court. The decision of the Commissioner is **AFFIRMED**. The Clerk of Court is hereby authorized and directed to enter an appropriate Judgment of Dismissal.

SO ORDERED, this 11th day of December, 2006.



WILLIAM T. MOORE, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA